

House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Wednesday, November 17, 1999

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.J. Res. ____—FY 2000 Continuing Resolution
S. 1844—Child Support Miscellaneous Amendments
H.R. 1827—Government Waste Corrections Act
S. 1418—Holding Court in Natchez, Mississippi
S. 1235—Railroad Police Training at the FBI National Academy
S. 440—Authorizing Funding for Certain Schools and Institutions
H.R. 1953—Extending Current Tribal Leasing Authority
S. 278—Rio Arriba County Land Conveyance Act
S. 416—City of Sisters, Oregon Land Conveyance
S. 1843—Dugger Mountain Wilderness Act
S. 382—Minuteman Missile National Historic Site
H.R. 3051—Jicarilla Apache Reservation Water Feasibility Study Act
H.R. 1167—Tribal Self-Governance Amendments
H.R. 3194—FY 2000 District of Columbia Appropriations Act
(Conference Report)



H.J. Res. ____—FY 2000 Continuing Resolution

Floor Situation: The House will consider H.J. Res. ____ as its first order of business today. Yesterday, the Rules Committee granted a rule to provide one hour of debate, equally divided between the chairman and ranking member of the Appropriations Committee, and waive all points of order against the resolution and its consideration. The rule provides one motion to recommit.

Summary: H.J. Res. ____ provides temporary funding—beginning November 18, 1999 and lasting until either November 19 or when the relevant appropriations bill is signed into law, whichever comes first—for federal programs for which the president has not signed a regular appropriations bill. The continuing

resolution funds ongoing projects at current FY 1999 levels. It imposes currently existing terms and conditions on funding, prohibits any new projects or initiatives, and restricts high initial year funding distributions to states, foreign countries, or federal grantees. Recently, the House passed—and the president signed—an extension (H.J. Res. 78) to fund the government through November 17, 1999.

The joint resolution also includes a number of special provisions for the duration of the continuing resolution, such as:

- * restricting disbursements for contributions to international organizations;
- * extending the authority for several programs such as (1) Radio Free Asia, (2) the Overseas Private Investment Corporation, and (3) the federal flood insurance program;
- * restricting initial obligations for most major activities of the District of Columbia;
- * allowing agencies to spend funding to continue fixing the Year 2000 computer problem;
- * allowing increased obligations for census activities;
- * continuing the FY 1999 funding level for accounts funded under the FY 1999 Commerce/Justice/State appropriations bill that will change in the FY 2000 measure because of State Department reorganization; and
- * continuing the authority of the Export-Import Bank to meet in the absence of a quorum.

H.J. Res. ____ was introduced by Mr. Young (FL) on November 16.

Views: The Republican Leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time. However, press reports have indicated that he will sign another extension.



Bills Considered Under Suspension of the Rules

Floor Situation: The House will consider the following 12 bills under suspension of the rules after it finishes considering the continuing resolution. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

S. 1844—Child Support Miscellaneous Amendments establishes an alternative penalty procedure for states that fail to meet current law requirements to centralize the coordination and distribution of child support services. The 1996 welfare reform law established strict requirements for states to establish and operate a state disbursement unit (SDU) to receive child support payments and distribute the money. States that do not meet the October 1, 1999, deadline will lose federal funds for child support enforcement and the TANF program. According to the Health & Human Services Department, as many as eight states

may have missed the deadline, despite their best efforts to comply. Therefore, the bill establishes an alternative penalty procedure for these states.

Specifically, the bill prohibits the HHS Secretary from disapproving a state child support enforcement plan if she determines the state will fail to meet the SDU requirements but has submitted a corrective compliance plan by April 1, 2000. Instead, the bill requires the secretary to reduce the amount the state otherwise would have received in federal child support payments by the penalty amount for the fiscal year. The penalty amount will be: four percent of the penalty base in the first fiscal year, eight percent in the second year, 16 percent in the third year, 25 percent in the fourth year, and 30 percent in the fifth and subsequent years.

If a state that is subject to a penalty complies before April 1, 2000, the bill requires the secretary to waive all penalties; if a state complies after that date, and before September 30, 2000, the measure establishes a penalty of one percent of their federal funds. The secretary may not impose a penalty against a state for a fiscal year in which it has already been penalized for noncompliance with statutory requirements on automated data processing. A CBO cost estimate was unavailable at press time. The Senate passed the measure by unanimous consent on November 2. The House passed similar provisions in H.R. 3073 (the Fathers Count Act) by a vote of 328-93 on November 10.

H.R. 1827—Government Waste Corrections Act implements measures to stop overpayments to vendors who provide goods and services to the federal government. Specifically, the bill requires federal agencies to conduct recovery audits if their payment activities reach \$500 million or more annually. Recovery audits involve the use of software, among other actions, to identify missed documents, duplicate payments, and other overpayments. The measure (1) establishes procedures for such audits, including allowing agencies to conduct audits in-house, contract for audit services, or combine the two, based on a public-private cost comparison; (2) requires agencies to use a portion of the overpayments recouped to implement a management improvement program to reduce overpayment rates; and (3) requires the deposit of at least 50 percent of overpayments into the general treasury. Finally, the bill directs the Office of Management and Budget Director to coordinate and oversee the implementation of these requirements. The measure does not apply to Medicare services. Each year, the federal government loses billions of dollars due to improper payments to vendors. Limited recovery audits within the Department of Defense have identified errors averaging \$4 million for every \$100 million of payments. The measure was introduced by Mr. Burton *et al.* and reported by the Government Reform Committee by voice vote on November 10, 1999.

S. 1418—Holding Court in Natchez, Mississippi amends U.S. Code to mandate that court be held at Natchez, Mississippi, in the same manner as it is held at Vicksburg, Mississippi. The Senate passed the measure by unanimous consent on November 5, 1999.

S. 1235—Railroad Police Training at the FBI National Academy amends the 1968 Omnibus Crime Control and Safe Streets Act to allow railroad police officers to attend the Federal Bureau of Investigation (FBI) National Academy for training. The measure prohibits funds from being used to pay for any expenses incurred by railroad police officers while attending the academy. Railroad police officers are commissioned by states to enforce laws to protect railroad property, personnel, passengers, and cargo. The Senate passed the bill by unanimous consent on October 26, 1999.

S. 440—Authorizing Funding for Certain Schools and Institutions authorizes the Education Secretary to award grants to (1) the University of Tennessee to establish the Howard Baker School of Govern-

ment and its endowment fund; (2) Ohio State University, Columbus, to establish the John Glenn Institute for Public Service and Public Policy and its endowment fund; (3) Portland State University to establish an endowment fund to support the Oregon Institute of Public Service and Constitutional Studies, which must establish the Mark Hatfield School of Government; and (4) Southern Illinois University at Carbondale to establish an endowment fund to support the Paul Simon Public Policy Institute. The Senate passed the bill by unanimous consent on November 2, 1999.

H.R. 1953—Extending Current Tribal Leasing Authority authorizes leases for terms of up to 99 years (from the current limit of 25 years) on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria in California. In order to enter into leases that will involve significant long-term investments and economic development, the Torres Martinez Tribe and the Guidiville Band have asked Congress to extend their leasing authority to a period of 99 years, the same authority enjoyed by many other tribes. A CBO cost estimate was unavailable at press time. The measure was introduced by Mrs. Bono *et al.* and was not reported by a House committee.

S. 278—Rio Arriba County Land Conveyance Act directs the secretaries of Agriculture and Interior to convey a Forest Service administrative site, the Old Coyote Administrative Site, to Rio Arriba County in New Mexico. The transfer consists of two parcels of land, one of 130.3 acres and another of 276.8 acres. The area is now managed by the Bureau of Land Management (BLM) and was vacated in 1993 after the Forest Service moved to another location. The Coyote Station will continue to be used for public services as a community center, fire station, and storage facility. The Senate passed the bill by unanimous consent on March 25, 1999. CBO estimates that enactment will have no significant effect on the federal budget. The Resources Committee reported the measure by voice vote on October 6, 1999.

S. 416—City of Sisters, Oregon Land Conveyance authorizes the Forest Service to transfer up to 240 acres of federal land to the city of Sisters, Oregon, so it can build a sewage treatment facility and dispose of treated waste. The amount of land to be conveyed will be determined after a review process is completed. CBO estimates that enactment will reduce offsetting receipts by about \$675,000 in FY 2000. The Resources Committee reported the bill by voice vote on October 27, 1999. The Senate passed the bill by unanimous consent on July 1.

S. 1843—Dugger Mountain Wilderness Act designates approximately 9,200 acres of federal land in the Talladega National Forest, Alabama, as the Dugger Mountain Wilderness Area. In addition, the bill allows the Forest Service two years to remove a fire tower in the area, which was previously slated for removal by the agency. CBO estimates that enactment will have no significant impact on the federal budget. The Resources Committee reported the bill by voice vote on October 20. The House passed a similar bill (H.R. 2632) under suspension of the rules by voice vote on November 1, 1999.

S. 382—Minuteman Missile National Historic Site establishes the Minuteman Missile National Historic Site in South Dakota as a unit of the National Park System. The proposed inclusion is comprised of the Delta One Launch Control Facility (6.4 acres), the Delta Nine Launch Facility (1.58 acres), and a support facility area to become a visitor center and administrative site. Under the bill, the Interior Secretary must complete a general management plan for the new park addition, including an evaluation of other areas to be used for the visitor center and administrative site. It also allows the Interior Secretary to form cooperative agreements with appropriate public and private entities and acquire lands within the boundaries of the site by donation, purchase, or exchange from another federal agency, so long as the land is not

contaminated with hazardous material. Finally, the bill authorizes any funds appropriated to the U.S. Air Force in FY 1999 to use the proposed site to be transferred to the National Park Service to establish and operate the site. CBO estimates that enactment will cost the federal government \$8.4 million over the FY 2000-2004 period, assuming appropriation of the authorized amounts. The Resources Committee reported the bill by voice vote on October 6, 1999.

H.R. 3051—Jicarilla Apache Reservation Water Feasibility Study Act authorizes \$200,000 for the Bureau of Reclamation (BuRec) to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the residents of the Jicarilla Apache Indian Reservation in New Mexico. BuRec must report to Congress within one year of enactment. Bill supporters note that the existing municipal water system that serves the reservation is outdated, dilapidated, and does not adequately serve the existing and future growth needs of the tribe. In addition, the federally owned municipal water system has been unable to meet the minimum federal water requirements and has been cited by the Environmental Protection Agency for violating the federal safe drinking water standards. For these reasons, the Tribal Council has declared a state of emergency for the reservation and has already appropriated over \$4.5 million of its own funds to begin the process of rehabilitating the water system. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Udall (NM) *et al.* and was not reported by a House committee.

H.R. 1167—Tribal Self-Governance Amendments amends the 1975 Indian Self-Determination and Education Assistance Act (*P.L. 93-638*) to establish a permanent tribal self-governance program within the Indian Health Service (IHS). Under existing demonstration authority, the tribes may enter into self-governance compacts and funding agreements whereby the tribe assumes administrative and programmatic duties for certain federal services that were previously performed by the federal government. The bill makes this demonstration program permanent for programs contracted for within the IHS. In addition, the bill expands the number of tribes who are eligible to participate in the self-governance program on an annual basis from 30 to 50. The bill authorizes such sums as necessary for FYs 2000 and 2001 to allow the IHS to study—and report to Congress—the feasibility of expanding self-governance compacts to include programs operated by units of the Department of Health and Human Services other than the IHS. Finally, the measure allows Indian tribes to store their patient records at Federal Records Centers.

The legislation is modeled on existing self-governance legislation for tribal operation of programs within the Interior Department. The self-governance program gives Indian tribes who meet certain criteria (*i.e.*, they must have experience in government contracting, sound finances, and demonstrated management capability) the right to take over the operation of Indian Health Service functions, including the funds necessary to run them. The aim of self-governance is to remove the often needless and sometimes harmful layers of federal bureaucracy that dictate Indian affairs. CBO estimates that enactment will increase discretionary outlays by less than \$500,000 in each of FYs 2000-2004. The bill was introduced by Mr. George Miller *et al.* and was reported by the Resources Committee by voice vote on June 9, 1999. The House passed similar legislation (H.R. 1833; *H.Rept. 105-765*) last year by voice vote; however, the Senate failed to act on the measure before adjournment.



H.R. 3194—FY 2000 District of Columbia Appropriations Act (Conference Report)

Floor Situation: The House may consider the conference report to H.R. 3194 sometime today. However, at press time the measure had not been filed. The *Legislative Digest* will provide additional information if it becomes available.



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